

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

PERIODIC REPORTING
(UPS PROPOSALS ONE, TWO, AND THREE)

Docket No. RM2016-2

**OPPOSITION OF THE UNITED STATES POSTAL SERVICE
TO UPS MOTION SEEKING ISSUANCE OF INFORMATION
REQUEST TO THE POSTAL SERVICE**
(December 17, 2015)

UPS sought initiation of this proceeding to consider several proposals it was making regarding postal costing methodologies. See, Order No. 2793 (Oct. 29, 2015). On December 16, UPS filed a motion seeking to have the Commission pose to the Postal Service an Information Request consisting of specified questions attached to the UPS Motion. The Postal Service hereby responds in opposition to that motion.

The procedural schedule established by Order No. 2793 seems very straightforward. In part to prevent the Commission from being put in the position of “having insufficient resources to bring to bear on other critical responsibilities,” Order No. 2793 (page 6) delayed consideration of Proposal Three until after the Commission has addressed Proposals One and Two. Interested parties were invited to submit comments on Proposals One and Two by January 20, 2016. UPS (and any other party so inclined) would then have the opportunity to respond to those initial comments until March 25, 2016. Presumably (in part) to aid parties in their development of comments, the Chairman issued Information Requests Nos. 1 and 3 to UPS, and Information Request No. 2 to the Postal Service. Responses to all three Information Requests were filed on December 10, 2015.

UPS in its Motion now claims to be seeking to follow up on the answers provided by the Postal Service in response to ChIR No. 2. In reality, however, UPS is essentially seeking to argue with those responses.¹ Yet if UPS disagrees with what the Postal Service said in those answers, or later says in its initial comments, UPS will have ample opportunity to respond in its own reply comments. Because the Postal Service, like the Commission, also has finite resources, it cannot be expected both to be preparing its own initial comments, and at the same time to be arguing with UPS over whether UPS should or should not have been “surprised” at the Postal Service’s earlier responses. That is particularly true given that, between now and January 20th, the Postal Service must not only work on its initial comments in this proceeding, but must also prepare and submit the FY2015 Annual Compliance Report. UPS has chosen to submit its request at the time of year when the Postal Service’s technical resources are already totally stretched because of “other critical responsibilities.”

While fully appreciating that the Commission may perceive a need to issue further Information Requests for its own purposes, the Postal Service submits that the Commission should not allow UPS to interfere with the orderly sequence of events contemplated by Order No. 2793. Like all other parties seeking to respond to the UPS proposals, the Postal Service should be allowed to devote its attention to preparation of its initial comments. UPS will subsequently have the chance to make whatever arguments it believes appropriate in its reply comments in March.

¹ Of course, UPS claims to be seeking to have the Postal Service “clarify” its earlier responses. UPS Motion at 1. But in the view of the Postal Service, those answers did not suffer from any lack of clarity. Had the responses been less clear, perhaps UPS would not have felt compelled to challenge them.

Therefore, the Postal Service respectfully submits the motion of UPS for issuance of an Information Request to the Postal Service should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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